IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTIETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

-

WRIT PETITION NO : 12513 of 2004

Between:

1 Vasupalli Ganesh Kumar, S/o. Late Vasupalli Ramana,
R/o. D.No. 38-40-43, Main Road, Marripalem, Visakhapatnam - 530 018.
2 Vasupalli Usha Rani, W/o. Vasupalli Ganesh Kumar,
R/o. D.No. 38-40-43, Main Road, Marripalem, Visakhapatnam - 530 018.

..... PETITIONER(S)

AND

Visakhapatnam Municipal Corporation,

rep by its Commissioner, Visakhapatnam.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ order or direction particularly one in the nature of MANDAMUS declaring the action of the respondent in demolishing the pillars raised by us pursuant to the Building plans approved by the first respondent in its proceedings BA No. 2004-ba-10177/ACP-III/G7 dated 4-3-2004 in House No/Plot No. 38-35-3, 28-35-7 T.S. No. Ward No. 42 situate at Ranapratap Nagar, Marripalem, Visakhapatnam, as illegal, arbitrary, contrary to the approved building plan, Municipal Byelaws and accordingly direct the Respondent Corporation not to

interfere with the construction being carried out by us in the above premises strictly in accordance with the approved Building Plans by its Proceeding BA No. 2004-ba-10177/ACP-III/G7 dated 4-3-2004.

Counsel for the Petitioners:DR.P.B.VIJAY KUMAR

For the Respondent: MR.T.S.VENKATA RAMANA, Standing Counsel for Visakhapatnam Municipal Corporation, Visakhapatnam.

The Court at the admission stage made the following ORDER:

Heard the learned counsel appearing for the petitioners and also Standing Counsel appearing for the respondent.

Since there is a dispute with regard to the four pillars, which were already demolished by the respondent as not in tune with the sanctioned plan, petitioners are at liberty to approach the competent Civil Court and ask for appointment of a Commissioner to inspect the suit schedule property to establish that such erected pillars were in accordance with the sanctioned plan and the action of the respondent in demolishing the said pillars is arbitrary and illegal and obtain necessary relief from the competent civil Court.

The writ petition is accordingly disposed of. No costs.

_____

(A.GOPAL REDDY, J)

20th JULY, 2004.

Kvni

To

1 The Commissioner, Visakhapatnam Municipal Corporation,

Visakhapatnam.

2 Two CD copies.